

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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THOMAS J. STILES

Petitioner,

v.

SWSP,

Respondent.

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Civil No. 09-5331 (NLH)

**O R D E R**

IT APPEARS THAT:

1. On October 9, 2009 (entered October 22, 2009), Petitioner submitted a letter to the Clerk of the Court. The letter asked the Clerk for legal advice about the statute of limitations on § 2254 actions. The letter was docketed as a Petition for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254. Petitioner did not file an actual petition, just the letter.

2. The Clerk of the Court, and Judges of this Court, cannot give litigants legal advice. See Rothman v. United States, 508 F.2d 648, 653 n.8 (3d Cir. 1975) (finding that it was not proper for a member of the federal judiciary to offer legal advice); United States v. Althoff, 16 F.3d 417, at \*2 (Table) (10th Cir. 1993) (unpublished opinion) ("Courts owe no duty to help pro se litigants make their case. Instead, a court must remain impartial and treat both sides of a controversy the same. Were a judge to help one side of a controversy, he would no longer be a

judge but would become an adversary to the other side. Likewise, it is improper for a judge to provide legal advice to one party in a civil controversy." ).

THEREFORE,

It is on this 6th day of January, 2010;

ORDERED that the Clerk of the Court shall send Petitioner a blank form § 2254 petition, and a blank form in forma pauperis application for use in a habeas case; and it is further

ORDERED that the Clerk of the Court shall close this case without assessing a filing fee; and it is further

ORDERED that, if Petitioner wishes to file a habeas petition pursuant to 28 U.S.C. § 2254, he shall submit to the Clerk of the Court (1) a written motion asking to reopen this case; (2) the completed form petition, and any other documents he wishes to submit in furtherance of his petition; and (3) either the \$5.00 filing fee or a completed in forma pauperis application; upon receipt of these three items, this Court will order this case reopened.

/s/ NOEL L. HILLMAN  
NOEL L. HILLMAN  
United States District Judge

At Camden, New Jersey